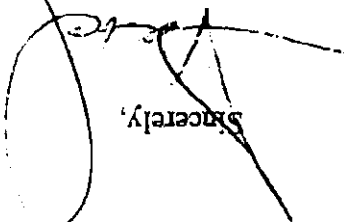


cc: Gregg P. Skall, Womble Carlyle Sandridge & Rice, PLLC

Attachment


Dennis W. Guard

Please find enclosed an original and four (4) copies of WorldCom's Opposition to UCC's Petition for Partial Reconsideration and Clarification. Please do not hesitate to contact me should you have any questions. Thank you.

Dear Ms. Dortch:

Re: In re Applications of WorldCom, Inc. for Consent to Assign Licenses
WorldCom Opposition to UCC's Petition for Partial Reconsideration
and Clarification

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

02-215

January 16, 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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Dennis W. Guard
Associate Counsel
1133 Nineteenth Street, NW
Washington, DC 20036
202 736 6148
Fax 202 736 6359

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

)
)
)
In re Applications of)
)

WorldCom, Inc. and its Subsidiaries,)
Assignor)

AND)

WC Docket No. **02-215**

WorldCom, Inc. and its Subsidiaries)
As Debtor in Possession,)
Assignee)

For Consent to Assign Commission)
Licenses)
_____)

**OPPOSITION OF WORLD COM, INC.
TO UNITED CHURCH OF CHRIST, INC. PETITION FOR PARTIAL
RECONSIDERATION AND CLARIFICATION**

Pursuant to sections 1.106(g) and 1.4(h) of the Commission's **Rules and Regulations**,¹ WorldCom, Inc. ("WorldCom") hereby submits its Opposition to the Petition for Partial Reconsideration and Clarification ("Petition") filed **by** United Church of Christ, Inc. ("UCC") on **January 3, 2003**.

I. BACKGROUND

On July 21, 2002, WorldCom and **substantially** all of its active **U.S.** subsidiaries filed voluntary petitions for reorganization **under** Chapter 11 of the **U.S.** Bankruptcy

¹ 47 C.F.R. §§ 1.106(g), 1.4(h).

Code with the Bankruptcy Court in the Southern District of New York.² As a result of WorldCom's Chapter 11 filing, its legal status changed to that of "debtor-in-possession." Consequently, WorldCom filed applications and notifications pursuant to sections 214 and 310(d) of the Communications Act of 1934, as amended ("Act") seeking the Commission's approval of the involuntary *pro forma* assignment of the licenses and authorizations held by WorldCom and its subsidiaries to WorldCom and those subsidiaries as debtors-in-possession.

Subsequently, on October 15, 2002, UCC filed an "informal objection" to WorldCom's applications.⁴ Thereafter, on December 5, 2002, the Commission issued a Public Notice whereby it granted WorldCom's request and denied UCC's informal objection. The Commission cited three separate reasons for denying UCC's objection:

The assignment before us results merely in a change in the status in which the licensee holds its licenses – from WorldCom to WorldCom as Debtor-in-Possession. UCC acknowledges that 'the proposed transfer is but a mere formality – a shuffling of papers – that involves no real change of control or responsibility.' In addition, as the licensee is receiving no compensation as a result of the assignment, no deterrence interest would be served by denying the application. Also, the public will not be prejudiced by the change in status of the licensee. For these three reasons, this assignment application does not raise public interest concerns warranting a hearing.⁵

In response, UCC has filed its pleading, styled as a "petition for partial reconsideration or clarification," asking the Commission to adopt a supplemental order indicating it will

² *In re Worldcom Inc.*, docketed under case # 02-13533.

³ 47 U.S.C. §§ 214, 310(d).

⁴ See *Informal Objection to Assignment Applications, filed by the Office of Communications of the United Church of Christ, Inc.* (Oct. 15, 2002) ("*UCC Informal Objection*").

⁵ *Public Notice*, DA 02-3350, at 1 (rel. Dec. 5, 2002) ("*December 5 Public Notice*").

address the character issues raised in the Informal Objection “at the next procedurally available opportunity....”⁶

II. THE COMMISSION SHOULD REJECT UCC’S PETITION

The Commission should deny UCC’s instant Petition for “Partial Reconsideration or Clarification.” First and foremost, **UCC’s** filing states nothing new beyond what **was** raised in the original Informal Objection, which in **turn** was denied by the Commission **on** multiple dispositive grounds. **The** Commission has long recognized that “[a] petition for reconsideration that simply reiterates arguments previously considered and rejected will be denied.”⁷ Indeed, **the** Commission has previously found that “[r]econsideration is appropriate only where the petitioner either **shows** a material error or omission in the original order or raises additional facts not known or not existing until after the petitioner’s last opportunity to present such matters.”⁸ UCC’s Petition on its **face** does not even attempt to make such a showing of **new** facts or changed circumstances. The simple fact is that UCC’s arguments were previously considered and disposed of by the Commission in the Public Notice. **And**, notwithstanding UCC’s Informal Objection, the Commission concluded that “**grant** of ... [WorldCom’s] applications will **serve the** public interest, convenience and necessity.”⁹

In addition, it is entirely unclear whether UCC’s pleading even presents a facially plausible case for reconsideration or clarification. In asking the Commission to

⁶ *UCC Petition* at 1.

⁷ *In re Applications of Various Subsidiaries and Affiliates of Geotek Communications, Inc., Debtor-in-Possession, Assignors, And Wilmington Trust Company or Hughes Electronics Corporation, Assignees, And, FCI 900, Inc., Assignee, for Consent to Assignment of 900 MHz Specialized Mobile Radio Licenses*, File Nos. 911830, 911831, 911832, 911833, DA 01-51, 16 FCC Rcd. 706, para. 6 (rel. Jan. 9, 2001).

⁸ *Id.*

⁹ *December 5 Public Notice* at 1

“reconsider” its December 5” ruling, UCC’s Petition appears to *accept* the substance of the Commission’s reasoning and ultimate outcome. In fact, the petition expressly states – in accordance with *the* Commission’s own conclusion – that the “Informal Objection did not present the Commission an appropriate procedural context in which to review the potentially disqualifying character issues.”¹⁰ Thus, even in UCC’s view, the FCC’s decision to grant WorldCom’s *pro forma* assignments over UCC’s objections was entirely proper. In sum, it appears that the Commission has nothing to “reconsider” here.

Further, UCC’s assertion that the Commission must consider, *sua sponte*, “disqualifying allegations such as those raised by UCC against WorldCom” at the “next appropriate opportunity” is hardly compelling.¹¹ *Allegan*,¹² the lead case UCC cites for this proposition, lends little support. In *Allegan*, the Commission addressed the narrow issue of whether character qualifications of a *withdrawing* applicant should be considered in the context of settlement agreements for mutually exclusive broadcast applications. In the instant case, however, no settlement agreements are at issue, and the Commission has no applications “dismissed with prejudice” to consider. In any event, the *Allegan* holding certainly does not stand for the proposition that the Commission must *sua sponte* “deal with the disqualifying character issues raised against WorldCom” before it “takes action on any future non-ministerial application or request for authorization filed by WorldCom...”¹³

¹⁰ UCC Petition at 2.

¹¹ *Id.* at 3.

¹² *Allegan County Broadcasters, Inc.*, Memorandum Opinion and Order. BC Docket No. 20864, 83 FCC 2d 371 (rel. Dec. 12, 1980) (“*Allegan*”).

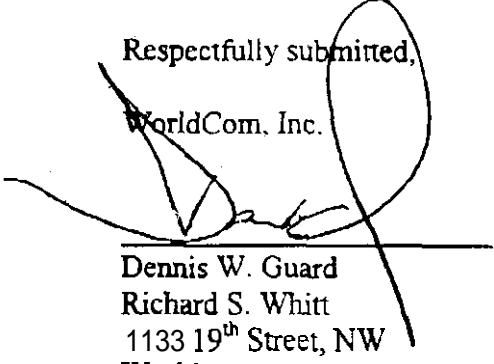
¹³ UCC Petition at 3.

III. CONCLUSION

Accordingly, for the above-stated reasons, WorldCom respectfully requests that UCC's petition be denied.

Respectfully submitted,

WorldCom, Inc.



Dennis W. Guard
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Dated: January 16, 2003